



# FREDERICK

## PLANNING

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January 27, 2023

Amy L. Baker, ESQ  
Stites & Harbison, PLLC  
303 Peachtree Street, NE  
2800 SunTrust Plaza  
Atlanta, GA 30308

**Re: Zoning Determination 23-61ZD: 44 N. Market Street**

Dear Ms. Baker:

In response to your letter dated January 17, 2023, Staff has prepared the following information:

The subject property, 44 N. Market Street (the "Property"), is zoned DB (Downtown Commercial/Residential). Per Section 401, Table 401-1 of the Land Management Code (LMC), the DB district is intended to encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district.

The Property is also located in the Historic Preservation Overlay (HPO) zoning district. The purpose of this overlay district, in accordance with the Land Use Article of the Annotated Code of Maryland, is for the City of Frederick to designate boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance. This overlay district also codifies the requirements of the Historic Preservation Commission.

Based on your request, a "Restaurant, General" is a permitted use in the DB district.

If you have any further questions please don't hesitate to contact me at (301) 600-4588 or [skelly@cityoffrederickmd.gov](mailto:skelly@cityoffrederickmd.gov).

*The purpose of the service provided by the Zoning Administrator regarding determinations/interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance.*

*This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.*

Sincerely,



Sherry Kelly, AICP  
City Planner

In Concurrence,



Joseph A. Adkins, AICP  
Deputy Director for Planning/Zoning  
Administrator

cc: Gabrielle Collard, Division Manager of Current Planning

303 Peachtree Street, N.E.  
2800 SunTrust Plaza  
Atlanta, GA 30308  
(404) 739-8800  
(404) 739-8870 FAX

Molly Delatte  
(678) 428-5025  
(404) 332-0301 FAX  
mdelatte@stites.com

January 17, 2022

Via Email: [zbadigital@cityoffrederickmd.gov](mailto:zbadigital@cityoffrederickmd.gov)

City of Frederick Zoning Dept.

RE: Request for Zoning Verification Letter  
CA596A-224183

Dear Sir or Madam:

I would like to obtain a zoning certification letter for the parcel located 44 N Market Street, Frederick, Maryland 21701. The tax parcel is 02-061570. The current owner is Bowers Brewing Company. The business will be a restaurant.

We require a zoning certification letter that states the current zoning code and if the proposed business is a permitted use based on the zoning ordinances.

Please address the letter to Amy L. Baker, ESQ. The letter may be emailed to me at [mdelatte@stites.com](mailto:mdelatte@stites.com).

Feel free to contact me if you have any questions or require further information.

Respectfully yours,



Molly Delatte  
Paralegal



Approved For Transfer  
The City of Frederick, MD  
Department of Finance

Property: 44 N. Market Street, Frederick,  
Frederick County, Maryland 21701

Parcel Information Number: 02-061570

Title Insurer: The Security Title Guarantee Corporation of Baltimore

Per [Signature] Date 12/12/18  
Water/Sewer - Paid

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made effective as of the 7<sup>th</sup> day of December, 2018, by and between BOEHMAN AND WEIGELT, LLC, a Maryland limited liability company ("Grantor"), and BOWERS BREWING COMPANY, a Maryland corporation ("Grantee").

**WITNESSETH**, that in consideration of the sum of Two Million Fifty Thousand Dollars (\$2,050,000.00) in hand paid by Grantee, the receipt and sufficiency of which are acknowledged by Grantor, Grantor does hereby grant and convey in fee simple unto Grantee, its successors and assigns, all that piece of land situate, lying, and being in The City of Frederick, Frederick County, State of Maryland, and as more fully described on *Exhibit A* attached hereto and incorporate herein by this reference;

**SUBJECT TO** covenants and restrictions of record;

**TOGETHER WITH** all appurtenances, rights, easements, privileges, rights-of-way, tenements and hereditaments incident thereto, and all right, title and interest, if any, of the Grantor in and to any land lying in the bed of any street, entrance way, common area, roadway, alleyway, and/or avenue, open or proposed, in front of or adjoining such parcels of land, the buildings, fixtures and equipment and other improvements constructed thereon, and all other advantages thereto belonging, or in anywise appertaining.

**AND BEING** the same property conveyed to Grantor in a Deed dated March 11, 2010 from New Frederick III, LLC and Lyle C. Kleinhans and Bonita M. Kleinhans, Trustees of The Lyle C. Kleinhans Living Trust, and Thomas Hill Pierce, Trustee of The Thomas Hill Pierce Revocable Trust, and recorded among the Land Records of Frederick County, Maryland, in Liber 7759, folio 68;

**TO HAVE AND TO HOLD** the land and premises above described and hereby intended to be conveyed, together with any building and improvements erected thereon and all rights, privileges, appurtenances, easements and advantages belonging and pertaining to the use and benefit of Bowers Brewing Company, a Maryland corporation, in fee simple, forever;

**AND** the Grantor covenants and warrants specially the property hereby conveyed and covenants to execute such further assurances as may be requisite;

**AND**, the undersigned hereby certifies under the penalties of perjury that the actual consideration paid or to be paid for the foregoing conveyance, including the amount of any mortgage or deed of trust assumed by the Grantee is in the amount of \$2,050,000.00.

10250

APPROVED FOR TRANSFER  
Treasurer of Frederick Co., MD  
Per [Signature] Date 12-13-18  
Taxes Water/Sewer-PAID  
Recordation Tax Pd. \$ 24600.00



IN WITNESS WHEREOF, the undersigned have duly executed this Deed as of the date set forth above.

WITNESS:

Walter A. Weigelt

Walter A. Weigelt

GRANTOR:

**Boehman and Weigelt, LLC**

By: [Signature]

Print Name: Jonathan M. Boehman

Print Title: Member

By: [Signature]

Print Name: David W. Weigelt

Print Title: Member

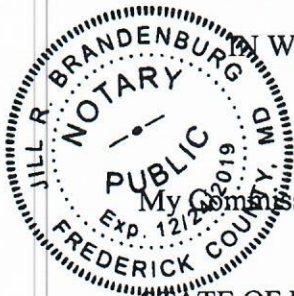
STATE OF MARYLAND  
COUNTY OF FREDERICK

\* to wit:  
\*

I HEREBY CERTIFY that on this 7 day of December, 2018, before me, a Notary Public in and for the State of Maryland, County of Frederick, personally appeared Jonathan M. Boehman, known to me (or satisfactorily proven) to be a Member of Boehman and Weigelt, LLC, and that such person, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jill R. Brandenburg  
Notary Public



My Commission Expires: 12/24/2019

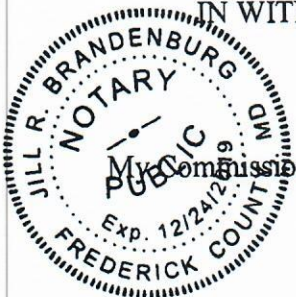
STATE OF MARYLAND  
COUNTY OF FREDERICK

\* to wit:  
\*

I HEREBY CERTIFY that on this 7 day of December, 2018, before me, a Notary Public in and for the State of Maryland, County of Frederick, personally appeared David W. Weigelt, known to me (or satisfactorily proven) to be a Member of Boehman and Weigelt, LLC, and that such person, being authorized to do so, executed the foregoing and annexed instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Jill R. Brandenburg  
Notary Public



My Commission Expires: 12/24/2019

  
Walter C. Martz II, Attorney

**Bowers Brewing Company**  
124 N. Market Street  
Frederick, MD 21701